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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEIDA MIRANDA, individually, and on behalf
of other members of the general public similarly
situated and on behalf of other aggrieved
employees pursuant to the California Private
Attorney General Act;

Plaintiff,

v.

AMERICAN NATIONAL RED CROSS, a
corporation; and DOES 1-100, inclusive,

Defendants.

Case No.: 3:22-cv-03633-SK

**STIPULATED REQUEST FOR AN ORDER
TO CONTINUE THE INITIAL CASE
MANAGEMENT CONFERENCE AND
MOTION TO DISMISS HEARING
PENDING THE COMPLETION OF
PRIVATE MEDIATION**

[L.R. 6-2]

Complaint Filed: May 13, 2022
Removal Filed: June 21, 2022
FAC Filed: July 12, 2022
SAC Filed: September 27, 2022

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STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Aleida Miranda and Defendant American National Red Cross (together, the “Parties”) as follows:

1. The instant case is new to the Court and was first removed to the Court on June 21, 2022;

2. On September 12, 2022, the Parties entered a stipulation agreeing to stay all formal discovery until thirty (30) days after the completion of a private mediation session (ECF No. 28);

3. On October 3, 2022, the Parties met and conferred via videoconference and further discussed the details of scheduling a private mediation;

4. Following the meet and confer, the Parties reserved a private mediation session with Steven Serratore, Esq. that is scheduled to occur on June 8, 2023;

5. On November 21, 2022, the Court is scheduled to hear Red Cross’s pending Motion to Dismiss Plaintiff’s Second Amended Complaint (ECF No. 30) and the Parties are currently scheduled to participate in an Initial Case Management Conference (ECF No. 31) on that same date;

6. The Parties agree that an Initial Case Management Conference in November 2022 is premature in light of the upcoming mediation with Mr. Serratore because any discovery and trial deadlines will be impacted by a resolution of the entire matter at mediation;

7. The Parties agree to postpone the Initial Case Management Conference, submission of an Initial Joint Case Management Statement, and exchange of initial disclosures until thirty (30) days after the completion of a private mediation;

8. The Parties agree that continuing the Motion to Dismiss hearing and Initial Case Management Conference to at least forty-five (45) days after the mediation with Mr. Serratore will avoid the burden of resetting any discovery and trial deadlines in the above-captioned matter;

9. The Parties agree that postponing these deadlines will preserve the resources of the Parties and the Court;

10. Depending on the outcome of the mediation, the Parties agree to file an Initial Joint Case Management Statement or a notice to the Court that the Parties have settled the entirety of the matter at mediation, no later than two (2) weeks before the continued Motion hearing and Initial Case

Management Conference date; and

11. The Court has independently reset the date the of the Initial Case Management Conference on two separate occasions (ECF Nos. 27 and 31). However, this is the Parties' first request to continue the Initial Case Management Conference.

IT IS SO STIPULATED.

DATED: November 2, 2022

LAWYERS FOR JUSTICE, P.C.

By: /s/Travis J. Maher

Edwin Aiwarzian

Tara Zabehi

Travis J. Maher

Attorneys for Plaintiff

ALEIDA MIRANDA

DATED: November 2, 2022

CONSTANGY, BROOKS, SMITH & PROPHETE LLP

By: /s/Barbara I. Antonucci¹

Steven B. Katz

Barbara I. Antonucci

Nathan K. Norimoto

Attorneys for Defendant

AMERICAN NATIONAL RED CROSS

ORDER AS MODIED

The Court GRANTS the above stipulation to CONTINUE the Initial Case Management Conference. However, with respect to the motion to dismiss, the Court HEREBY STRIKES the motion to dismiss without prejudice to refiling if this case does not resolve through the mediation. The Case Management Conference is CONTINUED to July 24, 2023. By no later than July 17, 2023, the parties shall file their joint case management statement if they have not already resolved and dismissed this case.

¹ Pursuant to Local Rule 5-1(h)(3), I attest that all signatories listed, and on whose behalf this filing is submitted, concur in this filing's contents and have authorized this filing.

1 The deadline for exchanging initial disclosures is CONTINUED to July 10, 2023.

2 **IT IS SO ORDERED.**

3
4 Dated: November 2, 2022


UNITED STATES MAGISTRATE JUDGE
HON. SALLIE KIM